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Thirty-first report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to resolution 1906 (2009), by which the Security Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 31 May 2010, and requested me to report, by 1 April 2010, on the situation in the Democratic Republic of the Congo and the strategic review requested in paragraph 2 of the resolution. The report covers developments since my report of 4 December 2009 (S/2009/623) and contains the findings and recommendations of an interdepartmental technical assessment mission that visited the Democratic Republic of the Congo to conduct the tasks set out in paragraph 2 of resolution 1906 (2009).

II. Major developments

2. Despite important gains made in 2009 in addressing the presence of foreign and Congolese armed groups in the eastern Democratic Republic of the Congo, those groups remained a source of insecurity for civilians and general instability in the Kivus and parts of Orientale Province. The Forces démocratiques de libération du Rwanda (FDLR) continued to conduct reprisal attacks against civilians. In addition, some elements of the national security institutions continued to be responsible for serious human rights violations. A new operation entitled Amani Leo was launched against FDLR aimed at consolidating the military gains of operation Kimia II and restoring State authority in areas freed from armed groups. In the Uelé districts in Orientale Province, attacks by the Lord's Resistance Army (LRA) against civilians continued and military operations targeting LRA in the Democratic Republic of the Congo made little progress. In Equateur Province, the Forces armées de la République démocratique du Congo (FARDC), with limited support from MONUC, responded to an insurgency which erupted at the end of October 2009. Meanwhile, preparations for both the local and general elections continued to face delays.

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North and South Kivu

3. On 31 December 2009, FARDC issued a communiqué announcing the conclusion of operation Kimia II against FDLR. A joint assessment by the Chiefs of Defence Staff of the Democratic Republic of the Congo, Burundi and Rwanda conducted during a meeting on 19 January in Matadi, Bas-Congo Province, determined that the operation had reduced the strength of FDLR by increasing desertions as well as voluntary participation in the MONUC programme of disarmament, demobilization, repatriation, resettlement or reintegration, dislodging FDLR from the main population centres, and dismantling their strongholds. MONUC assesses that the strength of FDLR may have been reduced by half, from approximately 6,000 to an estimated 3,200.

4. In accordance with the MONUC policy regarding support to FARDC, outlined in my last report, and the joint operational directive signed by MONUC and FARDC on 17 December 2009, MONUC initiated joint planning with FARDC and screened and cleared the commanders of 18 battalions designated by FARDC to participate in joint operations under operation Amani Leo and receive logistical support from the Mission including air transportation, fuel and medical and casualties evacuation, and food rations. While FARDC conducted some unilateral operations in January, joint MONUC-supported operations began on 25 February in South Kivu and on 26 February in North Kivu.

5. On 11 February, approximately 475 Mayi-Mayi Kifuafua combatants registered in Walikale in North Kivu for integration into FARDC. A non-signatory of the Agreements of 23 March 2009, PANADEF-République démocratique du Congo indicated readiness to integrate into FARDC pending the release from prison of the group's military leader. On 28 February, "General" La Fontaine, a leader of the Mayi-Mayi Patriotes résistants congolais (PARECO), and 10 of his cadres presented themselves to MONUC at Mbughavinya in North Kivu. FARDC also succeeded in negotiating the surrender and commitment to integrate into FARDC of 500 Mayi-Mayi Yakutumba elements in Fizi territory.

6. New alliances between some residual Congolese armed groups and FDLR were reported in North Kivu. In Lubero territory collaboration between Mayi-Mayi PARECO and FDLR resulted in increased attacks against civilians, while a Mayi-Mayi Alliance du peuple pour un Congo libre et souverain and FDLR coalition persisted in Masisi. In Rutshuru, the leader of the Front patriotique pour la Libération du Congo, "General" Gad Ngabo, sought to unify residual Congolese armed group elements and FDLR under his leadership against FARDC. In South Kivu, on 9 December 2009, a coalition of Forces républicaines fédéralistes (FRF) and FDLR launched an attack on FARDC deployed in Minembwe. Subsequent FARDC operations succeeded in recovering that territory from FRF.

Orientale Province

7. In Ituri, FARDC military operations against remnant militia groups, including the Front de resistance patriotique d'Ituri (FRPI) and the Front populaire pour la justice au Congo (FPJC), continued in southern Irumu territory. On 13 January, FPJC attacked an FARDC position at Zunguluka in southern Irumu, resulting in six deaths and displacements from eight villages. On 8 February, FARDC announced that militia groups had been dislodged from Bukiringi.

8. In Haut- and Bas-Uele, the FARDC Operation Rudia II against LRA continued in cooperation with the Uganda People's Defence Forces and with logistical support from MONUC. MONUC and FARDC increased patrols and established three temporary operating bases in Dingila, Niangara and Duru following reports that LRA was planning a repeat of the "Christmas massacres" of December 2008. Subsequently, following reports of massacres and abductions committed by LRA in several remote villages west of Niangara, namely Mabanga ya Talo, Makombo and Tapili, MONUC dispatched on 20 January a team to the area, accompanied by representatives of Congolese civil society, to conduct a preliminary investigation. The team's findings confirmed that a massacre occurred at Mabanga ya Talo on the night of 14-15 December, and that more than 100 people were killed. Further investigations are required to verify the exact numbers. MONUC and FARDC have taken measures to further enhance the protection of civilians in the main population centres such as Duru Bangadi, Niangara and Kilwa, including establishing new temporary operating bases, increasing day and night patrols, aerial surveillance, increased information gathering and additional joint MONUC-FARDC patrols and insertions. However, an enhanced military strategy, including greater air mobility and intelligence capabilities, as well as MONUC support for cross-border operations in pursuit of LRA, will be required to deter LRA attacks and to target the group's command structure more effectively. Meanwhile, local communities held several demonstrations at MONUC premises, particularly in Dungu and Duru, protesting against continued LRA attacks and increased insecurity. MONUC deployed a civilian coordinator to Dungu to enhance the Mission's efforts to protect civilians.

9. On 9 and 10 February, the Chiefs of Defence Staff of Uganda and the Democratic Republic of the Congo met in Kinshasa to assess progress on the operations against LRA, during which they agreed to intensify their efforts to target LRA commanders. In addition, on 18 February, MONUC organized a meeting in Kampala on targeted sensitization programming and reintegration support regarding LRA combatants. Participants included representatives of the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the World Bank, and the Governments of the Sudan and Uganda. They agreed on the need to further develop cooperation and coordination in the region, in particular with respect to non-military measures.

Equateur Province

10. Following the intercommunal clashes which began on 29 October 2009 in the Dongo area, and which escalated and spread in November-December 2009, FARDC and the Police nationale congolaise successfully regained control of the security situation in Equateur Province with support from MONUC. On 13 December, FARDC re-captured Dongo and restored security in the surrounding areas that had been overrun by the Enyele insurgent group which emerged during the clashes. On 31 December, FADRC recaptured Enyele itself, and on 13 February 2010 regained control of Buburu, one of the last remaining strongholds of the Enyele insurgents. Although major operations have been completed, the insurgents have continued to conduct small-scale attacks against FARDC and some humanitarian actors. In addition, nearly 200,000 people remain displaced as a result of the clashes.

Implementation of the Agreements of 23 March

11. While there was some progress, the overall implementation of the Agreements of 23 March remained slow. Three former armed groups, namely the Congrès national pour la défense du peuple (CNDP), PARECO and the Mouvement d'union pour le développement national completed their transformation into political parties. At the time of reporting, the legal and administrative procedures for the transformation of four other armed groups were being finalized. The provisions of the Agreements relating to the passage of an Amnesty Law, release of prisoners, and support to the CNDP war wounded have been implemented. The signature, on 17 February, of a Tripartite Agreement between the Democratic Republic of the Congo, Rwanda and the Office of the United Nations High Commissioner for Refugees (UNHCR) outlining the legal and operational framework for the voluntary repatriation of refugees from both countries, is an important step forward. Steps have also been taken with regard to operationalizing local reconciliation committees, whose terms of reference and organizational structures are being finalized.

12. However, the implementation of several key provisions of the Agreements of 23 March remained pending. CNDP and the former armed groups reiterated their concern that the Government did not respect the spirit and letter of the Agreements regarding their political integration when they were not included in the Cabinet reshuffle announced by the Government on 19 February. In addition, CNDP elements have maintained and established new parallel administrations and tax collection posts in parts of North Kivu. Furthermore, little progress was made to integrate the armed groups into the proximity police force in the Kivus.

Institutions of Government and Parliament

13. On 19 February, a Cabinet reshuffle was announced, reducing the number of Cabinet posts from 54 to 43. Key changes in the Cabinet included two of the three Vice Prime Ministers, the Ministries of the Interior, Hydrocarbons, Finance and Budget, and the merging of the Ministry of Human Rights with the Ministry of Justice.

14. Before closing its seventh regular session on 15 December 2009, the Parliament adopted draft laws aimed at improving the business environment and reconsidered, at the President's request, the national budget for 2010, including salary allocations for the armed forces and police services. A Joint Commission was also established to harmonize outstanding differences between the National Assembly and the Senate regarding the draft law on the Commission électorale nationale indépendante, responsible for the conduct of the general elections. The three draft organic laws pertaining to the reform of FARDC, the High Defence Council, and the status of FARDC military personnel, and the organic law on the reform of the police have been submitted by the Government and will be reviewed in the parliamentary session that began on 15 March 2010. In addition, the Parliament has not yet adopted laws crucial to reforming the judicial system, notably the legislation creating the Constitutional Court, the Court of Cassation and the State Council. The National Independent Human Rights Commission has not yet been established, and national implementation legislation for the Rome Statute of the International Criminal Court is still lacking.

15. At the provincial level, motions of no confidence raised against the Governor of North Kivu and the President of the Provincial Assembly in Equateur on the basis of alleged mismanagement and embezzlement of funds led to the suspension of the Provincial Assembly sessions on 15 January in North Kivu and 6 February in Equateur. The sessions have since resumed in both provinces.

Regional relations

16. Against a backdrop of continuing improvement in the relations between the two countries, from 17 to 19 December 2009 the Democratic Republic of the Congo-Rwanda Bilateral Commission reconvened in Kinshasa for the first time since its last meeting in Kigali in 1988. On 1 February, a mini-summit of the International Conference on the Great Lakes Region was convened on the sidelines of the African Union summit in Addis Ababa, during which my Special Envoy for the Great Lakes Region, former President Olusegun Obasanjo of Nigeria, and his co-facilitator former President Benjamin Mkapa of the United Republic of Tanzania, presented their final report on the progress and remaining challenges with regard to the implementation of the Agreements of 23 March and the security and humanitarian situation in the eastern Democratic Republic of the Congo. Relations between the Democratic Republic of the Congo and Angola have intermittently been strained, however. The Office for the Coordination of Humanitarian Affairs reported that more than 10,200 Congolese nationals were deported from Angola in January and February 2010, despite the two countries' joint communiqué of 13 October 2009 agreeing to suspend expulsions and establishing a bilateral mechanism to address cross-border migrant issues. Serious human rights violations, including sexual violence, were reported in the context of the expulsions.

17. The engagement of the Democratic Republic of the Congo in important regional mechanisms was further extended during the reporting period. On 18 February 2010, experts of the Economic Community of the Great Lake Countries (CEPGL) adopted documents on the economic integration of member States, the establishment of a conflict resolution mechanism including the installation of a Court of Justice for the Great Lakes region, and the free circulation of people, commodities and capital. In January, the Democratic Republic of the Congo assumed the chairmanship of the Southern African Development Community (SADC) and a meeting of the SADC Council of Ministers was held in Kinshasa from 24 to 26 February.

III. Strategic review and progress towards the achievement of the MONUC mandate

18. In paragraph 2 of its resolution 1906 (2009), the Security Council requested me, inter alia, to conduct a strategic review of the situation in the Democratic Republic of the Congo and the progress of MONUC towards achieving its mandate, taking into account the Integrated Strategic Framework.

19. As indicated in my last report (S/2009/623), MONUC and the United Nations country team developed an overarching strategy for the United Nations system in the Democratic Republic of the Congo, the Integrated Strategic Framework, which includes a shared vision of the objectives of the United Nations and a set of agreed results, timelines and responsibilities for tasks critical to consolidating peace in the

country. The draft Integrated Strategic Framework identifies four key strategic goals of the United Nations, namely, addressing ongoing conflicts; stabilizing the conflict-affected areas; consolidating peace across the Democratic Republic of the Congo; and making development viable.

20. On 2 February, my Special Representative for the Democratic Republic of the Congo, Alan Doss, briefed the Government, members of the National Assembly and Senate, and international partners on the objectives of the Integrated Strategic Framework. MONUC also briefed members of the Security Council and troop- and police-contributing countries on the Framework on 16 February as requested in paragraph 40 of Council resolution 1906 (2009). The consultations between MONUC and the Government on the draft Framework are ongoing and further adjustments will be made to the draft taking account of the views of the Government.

21. Overall, the benchmarks defined in my report of 14 November 2007 (S/2007/671), which I reiterated in my report of 27 March 2009 (S/2009/160), remain valid and MONUC will continue to assess progress towards the establishment of a stable security environment and the consolidation of democratic institutions on the basis of those benchmarks.

Strategic review of the situation in the Democratic Republic of the Congo

22. Significant progress has been achieved in the Democratic Republic of the Congo over the past decade. Landmark achievements include the end of the civil war, the successful transition, which restored the territorial integrity of the country, the successful conduct of democratic national elections in 2006, the ongoing infrastructure development programme and improved relations between the country and its eastern neighbours.

23. Much of the western Democratic Republic of the Congo is now relatively stable, with conditions allowing post-conflict recovery and peacebuilding. However, the events of October-December 2009 in Equateur Province and in Bas-Congo in February-March 2008, showed that local conflicts can rapidly escalate if they are not quickly and effectively defused by the authorities. Continued socio-economic hardship in urban areas, compounded by the international financial crisis, remains a source of potential instability, including in Kinshasa. Land and maritime boundary disputes between the Democratic Republic of the Congo and Angola, as well as the ongoing population expulsions, have occasionally strained relations between the two countries.

24. In the east, positive developments in 2009, including the rapprochement between the Democratic Republic of the Congo and Rwanda, the end of the CNDP rebellion, the launch of military operations against FDLR and LRA, and increased rate of voluntary participation in the programme of disarmament, demobilization, repatriation, resettlement or reintegration by FDLR elements opened unique possibilities to address the presence of armed groups in the eastern part of the country. However, significant challenges remain, relating to the continued presence of FDLR and LRA; large-scale humanitarian needs; the persistence of serious human rights violations, including sexual and gender-based violence by FDLR, LRA, and elements of the Congolese Army, including some who have been recently integrated; the illegal exploitation of natural resources; intercommunal tensions compounded by population movements between the Democratic Republic of the

Congo, primarily North Kivu, and Rwanda; and the root causes of the instability in the area, including the limited presence of State authority. In Ituri, remnant elements of armed groups have yet to be fully neutralized and an outstanding caseload of some 8,000 demobilized combatants, who have not received reintegration benefits since 2004, could swell the ranks of the residual armed groups. LRA has evolved into a subregional threat. MONUC estimates that less than 100 LRA elements remain in the Democratic Republic of the Congo, and some 300 to 350 LRA elements continue to move in small groups between the Democratic Republic of the Congo, the Central African Republic and the Sudan, and possibly as far as Chad.

25. Nationwide, the country continues to face significant challenges to the consolidation of peace resulting from the weak capacities of State institutions, particularly with respect to rule of law and security institutions; slow socio-economic recovery; corruption; and impunity. Opposition parties express concern about shrinking political space, continuing human rights violations and impunity. The limited progress towards building a professional and integrated Congolese army and security services significantly hinders the consolidation of peace. In addition, the preparations for local elections, postponed to 2011, as well as for the general elections constitutionally mandated to be held in the same year, are still encountering delays. On 25 February, the Independent Electoral Commission announced that the second phase of the voter registration update would be carried out in Bas-Congo, Katanga, Kasaï Oriental and Maniema provinces from 19 May to 16 August 2010.

Progress towards the achievement of the MONUC mandate

26. The MONUC mandate has evolved and expanded significantly since the Mission was first deployed in 1999. The Mission was established by Security Council resolution 1279 (1999) with an initial troop strength of 500 military observers. The principal task of the Mission was to support the implementation of the Lusaka Ceasefire Agreement between the Congolese parties and the six States that had been involved in the conflict. By resolution 1291 (2000) the MONUC troop level was increased to 5,537 military personnel, including up to 500 observers, and its mandate was expanded under Chapter VII to include assisting with the voluntary disarmament, demobilization, repatriation, resettlement or reintegration of foreign armed groups and the disarmament, demobilization and reintegration of Congolese armed groups in 2001. Starting in 2002, MONUC was also mandated to support confidence-building measures between the Democratic Republic of the Congo, Rwanda and Uganda.

27. Following the signing by the Congolese parties in 2002 of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, the Mission's mandate expanded under resolution 1493 (2003) to include facilitat[ing] coordination with national and international actors of activities in support of the transition.

28. In the light of the escalating crisis in the Ituri, the Security Council in resolution 1493 (2003) also authorized an increase in MONUC troop strength to 10,800 to enable the Mission to take over from the European Union-led multinational task force that had been deployed to Bunia from May to September 2003. The mandate was further expanded under Council resolutions 1445 (2002), 1468 (2003) and 1484 (2003) to include facilitating the establishment of the Ituri

Pacification Commission and supporting the Commission's work, which was successfully completed in 2004. The Mission's mandate was subsequently broadened under resolution 1565 (2004) to include support for the adoption of essential legislation, the electoral process and security sector reform.

29. Following the seizure of Bukavu in June 2004 by dissident forces led by Laurent Nkunda, the MONUC mandate was reinforced to include support for efforts to stabilize the Kivus, including through supporting FARDC in operations to disarm armed groups. To this end, troop strength was further increased to 15,600. As the situation deteriorated in the Kivus between 2007 and 2008, MONUC was directed by the Security Council in resolution 1856 (2008) to concentrate its efforts in the eastern Democratic Republic of the Congo and to assist in finding a lasting solution to the challenges there. These efforts were bolstered by the appointment, in November 2008, of President Obasanjo as Special Envoy of the Secretary-General for the Great Lakes Region.

30. Under earlier resolutions that called for MONUC to contribute to establishing a secure environment for elections, the Mission had contributed to army integration through basic training for units undergoing brassage. In successive resolutions from 2007 to 2009 the Security Council requested MONUC to provide training to FARDC, including on human rights and international humanitarian law, as part of efforts to build credible, cohesive and disciplined Congolese armed forces.

31. The Mission completed a number of its main mandated tasks. With MONUC support, the implementation of the Lusaka Ceasefire Agreement was successfully completed in 2003, although foreign armed groups are still active in the eastern Democratic Republic of the Congo and the disarmament, demobilization, repatriation, resettlement or reintegration of their combatants is ongoing. The signing of the Sun City Agreement paved the way for the effective reunification of the country. MONUC support in this regard was critical to ensuring the successful establishment and functioning of the transitional institutions. In particular, the Mission supported the transitional Government in holding a referendum for the adoption of a new Constitution and organizing free and fair presidential and legislative elections in 2006. The transition was successfully completed in 2007 with the installation of newly elected institutions.

32. Continued efforts in 2008 and 2009 by the Special Envoy and MONUC contributed to improved relations and the exchange of Ambassadors between the Democratic Republic of the Congo and Rwanda and Uganda, and paved the way for launching joint operations against FDLR and LRA.

33. Several of the tasks mandated to MONUC over the years are ongoing, including the protection of civilians; the monitoring, protection and promotion of human rights; the development of a transitional justice strategy; facilitation of the delivery of humanitarian assistance; implementation of disarmament, demobilization, repatriation, resettlement or reintegration and support to the Government's disarmament, demobilization and reintegration processes; coordination of international efforts in security sector reform; coordination and implementation of mine action activities; supporting the building of the capacity of national institutions, including FARDC, police capacities and strengthening the judicial and correctional systems; strengthening democratic institutions and the rule of law; and addressing the illegal exploitation of natural resources.

34. At the regional level, MONUC support for confidence-building and the normalization of relations between the Democratic Republic of the Congo and Rwanda, Uganda and Burundi contributed to the revival of bilateral commissions and the Economic Community of the Great Lake Countries, and the ratification of the Great Lakes Conference Pact on Peace and Security.

IV. Technical assessment mission

35. In order to carry out the remaining tasks set out in paragraph 2 of Security Council resolution 1906 (2009), namely, to further develop the existing benchmarks and to determine, in close cooperation with the Government of the Democratic Republic of the Congo and MONUC troop- and police-contributing countries, the modalities of a reconfiguration of the mandate of MONUC, in particular the critical tasks that need to be accomplished before MONUC can envisage its drawdown without triggering a relapse into instability, I dispatched a multidisciplinary technical assessment mission to the Democratic Republic of the Congo from 22 February to 5 March. Regarding the drawdown of MONUC, it will be recalled that earlier, in mid-2009, the President, Joseph Kabila, had requested the United Nations to submit, by June 2010 (the fiftieth anniversary of the country's independence), a plan for the progressive drawdown of the Mission.

36. The Departments of Peacekeeping Operations, Field Support, Political Affairs and Safety and Security, as well as the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, UNDP, UNICEF, the World Food Programme and, in situ, the UNHCR, participated in the technical assessment mission. The Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, joined and led the mission from 1 to 3 March to present the its findings to the Prime Minister, Adolphe Muzito, and President Kabila.

37. The technical assessment mission received detailed briefings from MONUC and the United Nations country team, and consulted with the Government of the Democratic Republic of the Congo, including the Vice Prime Minister for the Interior and Security, the FARDC Chief of Defence Staff, the Inspector General of the Police and the Ministers for Foreign Affairs, Defence, Justice and Human Rights, International and Regional Cooperation, and Planning, as well as the President of the Independent Electoral Commission, including in his capacity as Vice-President of the National Follow-up Committee of the Agreements of 23 March. In addition, the mission met with representatives of the diplomatic community, international non-governmental organizations, opposition political parties, and civil society. Members of the mission visited Gemena and Dongo in Equateur Province, and Goma in North Kivu.

A. Findings of the technical assessment mission

Political aspects

38. Taking into account developments with respect to the implementation of the Agreements of 23 March described in paragraphs 11 and 12, the technical assessment mission noted that MONUC and the United Nations country team have continued to assist the parties in the day-to-day implementation of the Agreements

under the framework of the International Security and Stabilization Support Strategy for the eastern Democratic Republic of the Congo. At the same time, in the light of the planned closure in June 2010 of the Office of my Special Envoy for the Great Lakes Region in Nairobi, the mission recommended that the MONUC offices in Goma and Bukavu assume responsibilities for supporting and monitoring the implementation of the Agreements.

39. Effective communication with the Congolese population and authorities remains a major challenge. MONUC conducts daily community outreach, dissemination and broadcast activities throughout the country that reflect the full scope of its mandate. Radio Okapi continues to enjoy the largest audience and the highest credibility of any countrywide radio network in the Democratic Republic of the Congo. The new mandate and reconfiguration of MONUC will require continued efforts to improve public information and communications about MONUC, its relationship to the United Nations country team and the Mission's progressive drawdown and withdrawal. Agreement with Congolese officials on a joint approach to communications would enhance stability during the drawdown. Appropriate measures should be taken to facilitate the flow of information between the Mission and Congolese institutions, as well as to enhance coordination between the Government and MONUC in their public communications regarding the Mission's mandate and activities. Similarly, a concerted effort should be made by MONUC and the United Nations country team to harmonize their information efforts. Radio Okapi should be maintained as a nationwide network as MONUC reconfigures and downsizes.

Military aspects

40. FARDC still face structural weaknesses and a lack of capacity which will continue to limit the Government's ability to adequately protect its citizens, if not effectively addressed. The national army remains an amalgamation of unvetted, untrained former militia groups and former Forces armees zairoises personnel. The overall strength of FARDC is estimated to be from 130,000 to 155,000 troops, including some 60,000 who have reached or are close to retirement. Successive waves of integration of armed groups have resulted in poor loyalty, indiscipline, and disruptions in the chain of command. This has been compounded by an inadequate budget, a lack of equipment and garrisons, major weaknesses in the pay system, a weak military justice system and insufficient measures to address and prevent indiscipline and human rights violations.

41. To address these shortcomings, the Ministry of Defence has developed an army reform plan which was presented to international partners on 26 January 2010. The plan, which is being reviewed by Parliament, involves strengthening FARDC by reorganizing the territorial and operational chains of command. It includes three phases and foresees a total force of about 141,000. Phase 1 (2009-2011) involves the reorganization, training, equipping, and predeployment of FARDC units in key areas across the country to respond to contingencies such as the recent events in Equateur Province. One of the objectives during this phase is to prepare FARDC to take over from MONUC. Phase 2 (2011-2016) continues the deployment of territorial coverage units and establishes rapid reaction units and defence units. In phase 3 (2016-2025), the plan foresees the optimization of the FARDC military capacity and the possible participation of the force in African Union or United Nations peacekeeping operations.

42. Despite their shortcomings, FARDC were able to successfully and rapidly deploy troops to Equateur Province to neutralize the conflict that erupted in the Dongo area. FARDC and national police elements were deployed using the Government's air assets, and included highly effective battalions newly trained by Belgium and South Africa. The soldiers were also well equipped, trained and disciplined; carried ready-to-eat meals for several days; and were specially outfitted for operations with advanced communication equipment including satellite telephones.

43. After the initial deployment, the establishment of a staging base, and the initial surge operation to secure Gemena and regain the initiative over the insurgents, FARDC requested support from MONUC so as to conduct further combat operations to secure population centres. In that context, MONUC provided FARDC with ground and air tactical mobility, fuel, medical and casualties evacuation, and rations for 2,350 FARDC and National Police elements.

44. The technical assessment mission noted that the deployment of the additional capabilities authorized by the Security Council in resolution 1843 (2008) for which pledges have been received was largely completed. In addition to one Belgian C-130 aircraft deployed in June 2009, two infantry battalions from Bangladesh and Egypt and two Special Forces companies from Egypt and Jordan became operational in December 2009, along with one formed police unit from Bangladesh. One engineer company, one formed police unit from Bangladesh and 13 intelligence officers will complete their deployment in March 2010. My report of 4 December (S/2009/623) describes the deployment and uses of these additional capabilities in priority areas in the eastern Democratic Republic of the Congo.

45. Of the remaining pledged additional capabilities, two utility helicopters from Uruguay are expected to arrive at the end of March 2010 while a third is planned to arrive in August 2010. The deployment of one formed police unit from Egypt is expected to be completed by June 2010. Bangladesh also pledged to provide one utility helicopter to MONUC, bringing the total number of pledged helicopters to 4 of the 18 that were authorized. The technical assessment mission determined that the continued deployment of all the additional capabilities authorized in resolution 1843 (2008), including those for which pledges have yet to be received, was essential, particularly in the light of the ongoing military operations in the two Kivus and Orientale Province, and the mandated priority task to protect civilians.

Police

46. The National Police, like the FARDC, suffer from a legacy of integration of armed groups which has contributed to a lack of cohesion and significant differences in, or the absence of, vetting and training. The operational capability of the police is also greatly constrained by a lack of vehicles, communications equipment, supplies and related equipment. The system of allowances is also beset with weaknesses and gaps.

47. Despite these challenges, the technical assessment mission noted that some progress has been made with regard to the reform of the police, including the adoption by Congolese authorities on 26 October 2009 of a 15-year strategic plan and a three-year action plan to build the capacity of the National Police. During the second half of 2009, MONUC police, with assistance provided by the Government of Japan, trained 8,625 National Police officers, including 666 women, and 230

more were trained and deployed by MONUC along strategic axes in the east in the context of the International Security and Stabilization Support Strategy. A total of 709 police officers were also trained in Ituri by UNDP and MONUC, in addition to the training of 210 judiciary police officers.

48. In this context, the technical assessment mission considered that there was a need to continue to focus on building the capacities of the Congolese police to respond to crises; extending State authority, including through the effective deployment of Congolese police units along critical axes in the east; and supporting the effective implementation of the reform of the police.

Judicial and correctional institutions

49. The civilian justice mechanisms of the Democratic Republic of the Congo are still in a dilapidated state, and many of the judicial institutions foreseen in the Constitution, notably the Court of Cassation and the Constitutional Court, have yet to be established. The civilian justice system operates on less than 1 per cent of the national budget and no proper administrative systems, including for finance, personnel, case-tracking, budget, procurement and asset management, are in place. Reports of interference in justice processes by Government officials and corruption are frequent and have prompted the training of 290 magistrates in ethics and anti-corruption practices. There are fewer than 1,400 judges and prosecutors against an assessed need of at least 5,000, and only a limited availability of jurists including defence counsels. A key priority and challenge expressed to the technical assessment mission by the Ministry of Justice and Human Rights was to establish the justice and peace tribunals responsible for managing electoral disputes.

50. Military justice institutions continue to face challenges similar to those on the civilian side, including a severe shortage of military judges and prosecutors, only 350 of a required 818 military magistrates being deployed. The military justice system is often subjected to political and command interference and security arrangements for magistrates in conflict-affected areas are inadequate. In this context, MONUC and UNDP trained 665 military justice personnel during the reporting period.

51. The prison system continued to be characterized by catastrophic conditions of detention, including lack of food, severe overcrowding and lack of medical facilities. In several instances, detainees have died from starvation as no budget is allocated to cover operational costs, including food and other basic needs. Security installations are rudimentary, contributing to high rates of escape across the prison system. Approximately 95 per cent of the personnel working in the correctional facilities are not civil servants, but are self-appointed and lack formal training for the responsibilities of their positions. There is no training institution for prison personnel, including wardens. No formal or practical coordination exists among the Ministries of Justice and Human Rights, Defence and the Interior, which are together responsible for the correction sector. Of approximately 18,000 inmates throughout the Democratic Republic of the Congo, it is estimated that at least 70 per cent are held in pretrial detention. None of the country's military prisons is operational.

52. In this context, the technical assessment mission recommended that immediate and urgent priority should be given to the development and implementation of a multi-year joint United Nations justice support programme. A particular focus of

this programme should be the development of the criminal justice chain, namely, the police, the judiciary and prisons, in conflict-affected areas in Ituri, the Kivus and Orientale Province and strategic programmatic support at the central level in Kinshasa.

Security sector reform

53. Overall, the technical assessment mission noted the absence of effective oversight, including by the Parliament, of the security sector. In meetings with the mission, international partners indicated that they would welcome a MONUC role in harmonizing the disparate bilateral efforts on security sector reform, including with regard to building up a core force envisaged in Security Council resolution 1906 (2009) which could contribute to phase I of the Government's army reform plan.

54. The technical assessment mission also noted that professional national armed forces and police are prerequisites for the protection of civilians to ensure that security forces will not commit serious human rights violations and that they have the capacity to prevent and respond to them. In this context, MONUC prepared a draft memorandum of understanding between the Mission and the Government to screen national security elements that would be trained by MONUC to ensure that they have not been implicated in serious human rights abuses. The draft memorandum of understanding has been made available to international partners with the aim of catalysing the initiation of a wider vetting process.

55. With regard to efforts to harmonize security sector reform efforts, the technical assessment mission concurred with the need for mapping security institutions, developing a web-based matrix for information-sharing between security sector reform partners, conducting seminars on the subject, and facilitating exchange programmes with other countries for Parliamentarians and Ministry of Defence staff to share lessons learned and experiences.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement or reintegration

56. In 2009, a total of 3,751 FDLR elements were repatriated to Rwanda. Of these, 1,564 were foreign combatants, including 42 children associated with armed forces and groups, and 2,187 were dependents. This repatriation rate is three times that achieved in 2008. In addition, MONUC received 433 Congolese members of FDLR who have yet to benefit from a disarmament, demobilization and reintegration programme. Since the beginning of 2010, MONUC has processed the demobilization and repatriation of an average of 157 FDLR combatants per month.

57. During the reporting period, the Government of the Democratic Republic of the Congo agreed in principle to include Congolese combatants of foreign armed groups in the national disarmament, demobilization and reintegration programme. With respect to residual Congolese armed group elements, the Government is considering a plan for them to access, for a limited period, reintegration options through the International Security and Stabilization Support Strategy. In December 2009, the Mayi-Mayi Kifuafua became the first group to engage in this process and began their assembly in North Kivu on 24 January 2010.

58. In addition to the recommendations outlined in my twenty-eighth report to the Security Council (S/2009/335), the technical assessment mission made several

recommendations to enhance disarmament, demobilization, repatriation, resettlement or reintegration operations of MONUC and its support to the Government's disarmament, demobilization and reintegration efforts. With regard to disarmament, demobilization, repatriation, resettlement or reintegration, the mission recommended that MONUC enhance the United Nations multidimensional strategy to address FDLR outlined in my last report (S/2009/623), including by considering a commander incentive programme targeting mid- to high-level FDLR commanders who are not implicated in the genocide or accused of having committed atrocities against civilians in the Democratic Republic of the Congo. In addition, countries in which members of the FDLR leadership reside should be encouraged to take the necessary legal action against those individuals, including through the effective implementation of the sanctions regime against the Democratic Republic of the Congo and the prosecution of sanctions violations.

59. With regard to disarmament, demobilization and reintegration, the technical assessment mission recommended that MONUC provide support to programmes for the remaining armed elements in Ituri, North and South Kivu, Katanga and Maniema, and help to identify funds for disarmament, demobilization and reintegration programmes that will not be covered by the World Bank, including with regard to an estimated 30,000 FARDC elements that are expected to be demobilized in the context of the army reform plan.

Protection of civilians

60. An important indicator of the protection challenges in the Democratic Republic of the Congo is the continuing high level of human rights violations throughout the country, and the high level of internal displacement, which lies at the core of humanitarian needs. While more than 1 million returns were registered in 2009, including 850,000 in North Kivu, insecurity remained widespread in parts of North Kivu including Masisi, Rutshuru and Lubero, and in South Kivu including in Shabunda, Kalehe and the Hauts Plateaux of Uvira, where violations and attacks by armed groups against the civilian population continue to be reported. Tensions have also increased as a result of some cross-border movement of people from Rwanda into the Democratic Republic of the Congo, which has led to land disputes in areas of return.

61. In Orientale Province, an estimated 300,000 people remain displaced. In Equateur Province, following the events in the Dongo area, up to 60,000 people were internally displaced, 114,000 people crossed the border into the Republic of the Congo, and 18,000 more took refuge in the Central African Republic from November 2009 to February 2010. Few have returned despite the improved security situation.

62. The human rights situation in the Democratic Republic of the Congo remains extremely problematic. The armed groups, in particular FDLR and LRA, as well as elements of FARDC, the National Police, the Agence nationale du renseignement and other officials entrusted with protecting the population, continued to commit serious human rights violations during the reporting period. Threats and acts of intimidation and violence against human rights defenders were also reported. In addition, MONUC continued to face difficulties in accessing a number of detention facilities despite instructions in this regard from the President himself to relevant authorities in July 2005. Several MONUC staff members also received threats

during the reporting period, although Government authorities took measures against the alleged perpetrators.

63. The armed groups, including LRA and FDLR, remained a major threat for the civilian populations in Orientale Province and the Kivus, respectively. From December 2009 to February 2010, more than 250 civilians were reportedly killed by LRA in Haut Uélé district, dozens of others were kidnapped and thousands of persons were displaced because of insecurity following those attacks. Activities by FDLR were also observed in the Kivus in the form of reprisal attacks against villages. In addition, other armed groups and militias, including Mayi-Mayi, PARECO and Ituri militia groups, continued to be responsible for serious human rights violations.

64. The persistence of human rights violations committed by FARDC elements, including in the context of operations Kimia II and Amani Leo, is of particular concern. MONUC received many allegations of human rights violations by FARDC elements, 53 of which were investigated, verified and submitted to the judicial authorities of the Democratic Republic of the Congo for follow-up. On 13 February, the Operational Military Court in North Kivu, which had not convened for several months, sentenced five FARDC soldiers to death for murder, one to 20 years of imprisonment for rape, and two to 5 years of imprisonment for arbitrary arrest. During the reporting period, the military garrison tribunals of Uvira and Bukavu also convicted at least 14 soldiers involved in operations Kimia II and Amani Leo for human rights violations, including rape. However, prosecutions continued to focus on soldiers and there were no convictions of senior FARDC officers during the reporting period.

65. In this context, enforcement of the President's zero tolerance policy with regard to indiscipline within FARDC remained limited. However, the FARDC Chief of Defence Staff informed the technical assessment mission of the creation of military police units to enforce discipline within FARDC. He requested the assistance of MONUC in equipping these units as well as the military operational courts.

66. In paragraph 41 of its resolution 1906 (2009), the Security Council requested me to provide an assessment of the implementation of the MONUC conditionality policy. In the light of the operational pause for the Mission which followed the conclusion of the Kimia II operation on 31 December 2009 and the start, on 25/26 February 2010, of joint MONUC-FARDC operations in the context of Amani Leo, I will dispatch an inter-agency assessment mission to the Democratic Republic of the Congo late in April 2010, when conditions will better allow the requested assessment to be carried out.

67. In the meantime, although some challenges remain, MONUC has taken several measures to implement the conditionality policy. In the context of operation Amani Leo, MONUC and FARDC agreed in their joint operational directive that joint planning and operations will be conducted in line with the President's zero tolerance policy and the Mission's conditionality policy.

68. In a subsequent exchange of letters between the MONUC Force Commander and the FARDC Chief of Defence Staff dated 11 January 2010, it was confirmed that MONUC would provide support only to FARDC operations that are jointly planned and are commanded by officers not previously involved in serious human rights

violations. Following that exchange of letters, as noted in paragraph 4, starting early in February, MONUC pre-screened and pre-cleared the commanders of 18 strike battalions designated by FARDC to participate in joint operations.

69. The implementation of the conditionality policy is regularly reviewed by the Mission's Rapid Response and Early Warning Cell, which communicates recommendations for action to the Senior Management Group on Protection. Similar mechanisms were being put in place in Goma and Bukavu during the reporting period. In addition, MONUC has developed a standard operating procedure regarding the conditions and procedures regulating the Mission's support to FARDC.

70. In line with the United Nations system-wide strategy for the protection of civilians which was finalized in January 2010, MONUC took concrete measures to enhance military and civil capacity and forge critical alliances to protect civilians. The Mission developed a database which gathers information from the Joint Protection Team missions and the Protection Cluster used for the identification of "must-protect" areas. In addition, on the basis of an internal assessment by MONUC of the Joint Protection Team missions conducted in November 2009, 29 MONUC staff members were temporarily reassigned to participate in those missions. More than 49 community liaison interpreters were also planned for deployment to some 49 MONUC company operating base and temporary operating base locations to improve relations between military personnel and communities. MONUC also took steps to replicate the Surveillance Centre concept, which was successfully established in Kiwanja, North Kivu, in 2009, at some of the Mission's company operating base locations in the Kivus.

71. In order to address the challenges emanating from resource constraints regarding the protection of civilians, the technical assessment mission proposed establishing a standing capacity for the Joint Protection Teams which should be reinforced by community liaison interpreters and systematically followed by human rights investigations by the MONUC Joint Human Rights Office and by the joint investigation teams where allegations of human rights violations are reported. Those protection mechanisms should be adequately staffed with appropriate logistical support, including vehicles, communication equipment and access to air transportation. In addition, the analytical, early warning and decision-making capacity of MONUC, including through the Mission's Rapid Response and Early Warning Cell and the MONUC Senior Management Group on Protection, which includes the Office for the Coordination of Humanitarian Affairs and UNHCR as Protection Cluster lead, should be strengthened. The technical assessment mission noted that the deployment of the MONUC military component corresponded to 88 per cent of the "must protect" areas in North Kivu, and recommended that this high correlation be maintained in the context of operation Amani Leo. It was also recommended that MONUC and the United Nations country team strengthen their capacity for joint analysis with regard to the protection of civilians, while ensuring that the specific role of the Joint Protection Teams remains distinct from that of United Nations and non-governmental protection agencies.

Child protection

72. The systematic recruitment and use of children in armed conflict continued, particularly in North and South Kivu, Katanga and Orientale Province. In 2009,

MONUC documented 848 newly recruited children (including 52 girls). Perpetrators included PARECO, FDLR, CNDP, FRPI and LRA. The fast track integration process also led to the increased presence of children in FARDC, and the national armed forces have undertaken new recruitment in Katanga and the Kasais. A total of 23 cases of killing and 12 cases of maiming of children were also documented, and sexual violence against children continued to be widespread. In this context, the United Nations system in the Democratic Republic of the Congo continues to work closely with the Government to ensure the implementation of its commitments to address grave violations against children.

Sexual violence

73. Sexual violence continues to be a major threat to women and girls. In 2009, the United Nations Population Fund recorded some 15,297 cases of sexual violence, few of which were reported to the justice system. In December 2009 alone, 286 incidents of sexual violence were reported in North Kivu, and 360 additional incidents in South Kivu. In the Ucle districts, attacks by LRA include sexual violence and mutilation. Since my last report, there has been some judicial progress with regard to three of the five senior FARDC officers accused of acts of sexual violence, whose cases were raised with President Kabila during the visit of the Security Council mission in May 2009. Two of the accused have, however, avoided arrest.

74. On 25 and 26 November 2009, the national strategy on sexual and gender-based violence developed by the Ministry of Gender, Family and Children was launched in Kinshasa with the support of MONUC and the United Nations country team. The national strategy includes priority elements identified in the operational plan for the implementation of the United Nations comprehensive strategy to address sexual violence in the eastern Democratic Republic of the Congo. In addition, in line with the five pillars outlined in the comprehensive strategy, five thematic working groups were established. Government focal points have been identified for each component and, in January 2010, implementation mechanisms were established at the provincial level in North and South Kivu and Ituri.

Peace consolidation and stabilization

75. Decades of misgovernment have significantly eroded State authority in the Democratic Republic of the Congo, particularly in the east, and State presence and capacity remains weak throughout the country. These challenges continue to be compounded by widespread corruption, which impedes the capacity of central authorities to deliver services, effectively collect revenues and restore the rule of law. The envisaged decentralization process and planned redefinition of provincial boundaries remains pending, and could exacerbate tensions between central and provincial authorities and heighten local conflicts.

76. The prolonged conflict and instability in various parts of the east, and the absence of effective State administration there, continue to perpetuate conditions that allow the illegal exploitation of natural resources to flourish. Few economic and educational opportunities exist. Despite some improvements, the continuing poor condition of basic infrastructure, especially roads, impedes trade and denies State authorities access to vast areas of the country.

77. In this context, the technical assessment mission recommended that in the conflict-affected areas MONUC should continue to help the Government to provide a secure environment for civilian populations at risk, including by maintaining the ongoing escorts and patrolling to enable United Nations staff and humanitarian actors to operate, and provide direct operational assistance to stabilization activities, through engineering or logistics support provided by the MONUC military component, and through the support provided by substantive civilian sections of the Mission as well as support for the deployment of the National Police and garrisoning of FARDC. The Mission should also continue to mobilize partners and facilitate joint programming and joint coordination of stabilization activities in the context of the Government's Stabilization and Reconstruction Plan for War-Affected Areas through the International Security and Stabilization Support Strategy.

78. The technical assessment mission further recommended that MONUC focus on integrating the efforts of MONUC and the United Nations country team in joint operations and programmes in the areas of protection, assisting in the building of capacity of national institutions, and the rule of law. In the west, MONUC and the country team should also assist in building the capacity of national institutions and focus on peace consolidation, especially with regard to support to provincial authorities, local institutions and civil society in conflict management, protection, human rights and fighting against impunity. In order to achieve these outcomes, the country team will need to mobilize partners and the wider international community in support of the development and implementation of provincial plans in the framework of the second generation of provincial poverty reduction strategy papers.

Elections

79. Prior to the visit of the technical assessment mission, an interdepartmental electoral needs assessment mission visited the Democratic Republic of the Congo from 18 to 25 January to review the status of preparations for the elections with the United Nations system and international partners, and consult the national authorities on the role the United Nations should play in support of the electoral process. The mission assessed that there was a gap between the Government's declared commitment to the electoral process and its capacity to meet those commitments. It further concluded that the likelihood of the elections being held in an appropriate and timely manner would depend on a significant financial commitment, adequate operational capacity and the adoption of the legal instruments required for the voter registration and the fulfilment of the Government's financial commitments to the Independent Electoral Commission. These concerns were raised in a joint letter dated 23 February to President Kabila from my Special Representative for the DRC, the Ambassador of the United States of America in the Democratic Republic of the Congo, and the Ambassador of Spain in the Democratic Republic of the Congo, also in Spain's capacity as President of the European Union.

Critical tasks

80. Drawing on its assessment of the situation on the ground as outlined above and against the background of the benchmarks mentioned in paragraph 21, the technical assessment mission identified several critical tasks which, in keeping with paragraph 2 of Security Council resolution 1906 (2009), need to be accomplished through efforts by MONUC, the United Nations country team, the Government and

bilateral partners to enable MONUC to progressively draw down without triggering a relapse into instability.

81. In the context of continuing to prioritize the protection of civilians, the first critical task should be to neutralize the threat posed by FDLR, LRA and residual Congolese armed groups, including through non-military and military measures carried out in compliance with international humanitarian and human rights law as well as refugee law. With regard to the non-military measures, the technical assessment mission recommended the completion of the disarmament, demobilization, repatriation, resettlement or reintegration of foreign armed groups operating illegally in the Democratic Republic of the Congo, especially focusing on the voluntary repatriation of FDLR combatants and dependents, and establishing a regional cross-border approach for LRA. The mission further recommended the completion of the disarmament, demobilization and reintegration of all pending caseloads of Congolese combatants throughout the country, including those belonging to FARDC and foreign armed groups, as well as the provision of support to the national reintegration process for former combatants. On the basis of its discussions with the authorities of the Democratic Republic of the Congo, the technical assessment mission further recommended that the joint FARDC-MONUC military operations in the Kivus and Orientale Province should be concluded when the Government and MONUC, informed by a regional perspective, jointly determined that the residual threat posed by the armed groups to the State and to the civilian population has been reduced to a level where it becomes a law and order maintenance issue that can be contained independently by the national rule of law and security institutions. The reduction of the threat would be measured by a significant decrease in violence and attacks against civilians as well as human rights abuses, specifically a significant decrease in levels of sexual and gender-based violence, the end of recruitment and use of children in the armed groups and the absence of new displacements.

82. The second and third critical tasks identified by the technical assessment mission flow from the end state described above. As MONUC draws down from the conflict-affected provinces, the Government will have to ensure that adequate measures are taken to prevent any security hiatus from developing that could further put at risk the civilian population. The second critical task should therefore be to build a professional FARDC core force, which the mission considered could be up to 20 battalions. This core force should be complemented by a similar core police capacity which can progressively assume law and order enforcement responsibilities in full respect for international human rights law. Such capacities should progressively assume the security role currently filled by MONUC including with regard to the protection of civilians and continuing humanitarian access. Ideally, the Government and the bilateral partners involved in security sector reform should agree on the number of FARDC and National Police units that should be vetted, trained, equipped and ready to be deployed to take over the role of MONUC at every stage of the drawdown from the conflict-affected provinces in the east.

83. The third critical task is the establishment of effective State authority in the areas freed from armed groups, in particular along the strategic axes in the eastern provinces which are identified in the Stabilization and Reconstruction Plan, in order to facilitate the sustainable return and reintegration of refugees and internally displaced persons. In this regard, the capacity of the public administration, policing, judicial and correctional systems in the Democratic Republic of the Congo needs to

be developed to a sustainable level to allow the independent monitoring of human rights, contribute to ending impunity and allow the establishment of an effective prison system fully respecting international standards.

84. The other critical tasks identified by the technical assessment mission were full implementation of the Agreements of 23 March; addressing the illegal exploitation of natural resources; establishment of effective community-based mechanisms for resolving land-related and other intercommunal disputes associated with returns of internally displaced persons and refugees, including a transitional justice process; completion of the voluntary repatriation of the Congolese refugees from neighbouring countries who wish to return to the eastern Democratic Republic of the Congo; and the conduct, by the Congolese authorities, of credible and peaceful national elections in 2011.

B. Proposed support to the Government

85. On this basis, the technical assessment mission identified a number of specific areas in which the United Nations could support the Government's plans.

1. Support to the Government's army reform plan

86. The technical assessment mission worked closely with MONUC to develop a proposal for the Mission to provide training and possibly basic equipment, and contribute to the construction of barracks for some FARDC units of the core force envisaged in Security Council resolution 1906 (2009), and in support of the first phase of the Government's army reform plan. The proposal also included helping to develop the capacity of the recently established military police battalions, including through training and helping the Government to mobilize some of their equipment, as requested of the technical assessment mission by the FARDC Chief of Defence Staff. MONUC support to the build-up of a core force would be aimed at complementing wider ongoing efforts by bilateral partners in support of army reform.

2. Support to the Government's plans on the development of the policing, judicial and correctional systems

87. In the area of the judiciary and corrections, the technical assessment mission considered that the United Nations should continue to contribute to building the capacity of the civilian and military judicial and correctional institutions; and contribute to the implementation of the Government's national action plan for the reform of the justice system (2008-2012) adopted by the Ministry of Justice in November 2007 and related national strategies, by developing and implementing a United Nations multi-year joint justice support programme for the Democratic Republic of the Congo. The programme should include civilian and military judicial and correctional projects for North and South Kivu and Ituri.

88. With regard to the police, the technical assessment mission considered that it would be essential to maintain the Mission's current police strength so that the MONUC police component could continue to support the Government's three-year police reform action plan by contributing to the implementation of the police advisory programme and police training and capacity-building programme, including vetting and training of police trainers. In addition, the mission considered

that MONUC could help to build a police capability similar to that proposed for an army core force, as requested of the technical assessment mission by the DRC Inspector General of Police.

3. Support to the Government's peacebuilding efforts

89. While MONUC and the United Nations country team would be expected to continue to support the Stabilization and Reconstruction Plan through the International Security and Stabilization Support Strategy in the eastern Democratic Republic of the Congo, several interlocutors including the Minister of Planning stressed the need to support peace consolidation and peacebuilding efforts throughout the country, particularly in the western part which, comparatively, has been neglected by international partners and where public administration remains weak and human development indicators are estimated by the Government to be worse than in much of the east. The technical assessment mission therefore proposed that MONUC and the country team should work with the Government and partners to develop and support the implementation of a peace consolidation programme for the western provinces in line with the Integrated Strategic Framework and the poverty reduction strategy paper.

4. Support to the Government for the elections

90. On the basis of the electoral mission's findings outlined in paragraph 79, the technical assessment mission considered that the United Nations should remain ready to continue to support the Congolese electoral authorities in the voter registration process and for the local elections in a manner consistent with the Government's progress in meeting its commitments in this regard. The mission was also of the view that the United Nations should consider a request by the Congolese electoral authorities for logistical support for the national elections, if such a request is made and received in a timely manner.

C. Drawdown of the MONUC military component

91. Taking into account the remaining security challenges in the conflict-affected provinces (the Kivus and Orientale) and the relative stability that has so far been sustained in the rest of the country, the technical assessment mission came to the conclusion that a continued significant presence of the MONUC force was essential in the Kivus and Orientale provinces and that the other eight provinces of the Democratic Republic of the Congo offered an opportunity to allow the Government the space to independently maintain law and order, protect civilians, and sustain effective security arrangements without a MONUC military presence.

92. On that basis, the technical assessment mission conducted a troop-to-task analysis and prepared a draft drawdown plan in close consultation with MONUC. The proposed plan envisaged that the withdrawal of the MONUC force could be completed over a period of three years, if the security situation continued to improve and on the basis of steady progress towards the accomplishment of the critical tasks identified in paragraphs 81 to 84.

93. Under the plan, the technical assessment mission recommended that MONUC would have no direct military role outside of the three conflict-affected provinces in the east, and Kinshasa. Consequently, in the first phase of the drawdown, which

could start immediately, MONUC could withdraw its troops from FARDC Defence Zone 1 (which covers Bas-Congo, Kinshasa (Province), Equateur and Bandundu).

94. MONUC would however maintain a small military presence of up to a battalion in Kinshasa for the protection of United Nations personnel and facilities. The Mission's reserve force, based in the east, would retain the capacity to respond, in extremis, to protect United Nations personnel and assets and, if requested by the Government, to support FARDC and the National Police in provinces beyond the Kivus and Orientale.

95. Stage two of the MONUC drawdown could start in the second half of 2010 and involve the complete withdrawal of MONUC forces from Kasaï Oriental, Kasaï Occidental and Katanga, completing the withdrawal from FARDC Defence Zones 1 and 2. Stage three would involve a steady reduction of troops in FARDC Defence Zone 3, namely Maniema, Orientale, North and South Kivu Provinces, as the ongoing military operations are successfully concluded, effective State authority is established in areas freed from the armed groups and the build-up of an army core force progressed. Stage four could bring MONUC force levels down to some 5,000 troops when a core force became operational. The technical assessment mission and MONUC considered that the full withdrawal of the MONUC military forces could be completed once the Government and the United Nations agreed that the conditions for complete withdrawal without risking renewed instability were in place.

Proposals on the reconfiguration of MONUC

96. The technical assessment mission agreed with the view expressed by the Government that the reconfiguration of the mandate should reflect the new realities on the ground, and aim to build the capacity of national security and rule of law institutions to a level at which they could be sustained and built upon. The mission also considered that the reconfigured mandate of MONUC should reflect the ongoing need to prioritize the protection of civilians, recognize the different needs of the different regions of the country, give national institutions the space to operate independently where they can, allow MONUC to focus on critical tasks with a clear strategic objective and exit strategy while paying commensurate attention to the peacebuilding needs; and set the ground for the progressive transition to a United Nations presence that focuses more on peacebuilding and making development viable than on security as local conditions allow.

97. In this context, it is recommended that MONUC, under the leadership of the Special Representative of the Secretary-General, would consist of three substantive components: a military support component headed by the Force Commander, a rule of law and protection component headed by a Deputy Special Representative of the Secretary-General, and a stabilization and peace consolidation component headed by a Deputy Special Representative. The military support component would be deployed in North and South Kivu, Orientale and Maniema Provinces, in a flexible manner to enable it to effectively protect civilians and facilitate humanitarian access, help to create a secure environment for the return of internally displaced persons and refugees, and support FARDC operations against foreign and Congolese armed groups in accordance with the Mission's conditionality policy. The Force headquarters and a small military presence would remain in Kinshasa. The two

civilian components (rule of law and protection, and stabilization and peace consolidation) would maintain a presence throughout the country.

Discussions with the Government

98. On 3 March, the Under-Secretary-General for Peacekeeping Operations presented to the Prime Minister, the Vice Prime Minister for the Interior and Security and the Ministers for Foreign Affairs, Defence, and International and Regional Cooperation, and, at a separate meeting, to President Kabila, the proposals of the technical assessment mission outlined above with regard to the progressive drawdown of the MONUC force in four phases over a period of three years; the list of critical tasks that would need to be accomplished in keeping with paragraph 2 of resolution 1906 (2009); and specific areas in which the United Nations could support the implementation of the Government's plans for addressing the ongoing conflicts in the east, security sector reform, building the capacity of policing, judicial and correctional institutions, and peacebuilding and consolidation.

99. The Prime Minister noted that the context in which MONUC was originally deployed had changed significantly. In this respect he set out the principles which the Government of the Democratic Republic of the Congo believed should be taken into account in reshaping the MONUC mandate, namely, respect for the independence and sovereignty of the Democratic Republic of the Congo; abrogation of the Integrated Strategic Framework of 2003 which the Government believed "subordinated" the United Nations agencies to a peacekeeping operation; implementation of the Government's army reform plan; strengthening the State institutions of the Democratic Republic of the Congo; and the progressive withdrawal of MONUC forces, which should be completed by 30 June 2011.

100. President Kabila noted that, except for a few territories in the east, the security situation in the country had stabilized and the country must now turn a new page and focus on peace consolidation and reconstruction. He explained his Government's vision of building the capacity of national institutions to enable them to assume the role that MONUC is currently playing, stressing that it was now time to allow the country "to fly with its own wings". In that context, the President expressed the view that the drawdown of the MONUC force should begin in June 2010 and be completed by June 2011.

101. The President noted that there was no divergence of views between the United Nations and the Government on the proposals that the Under-Secretary-General had presented to the Government, with the exception of two issues only: (a) the final withdrawal of the MONUC military component, which the Government said should be completed in 2011; and (b) the proposals of the technical assessment mission regarding the contribution of MONUC to building the capacity of FARDC. Concerning the latter, the President stated that the Government preferred to work directly with bilateral partners, but also indicated that he would consider the possibility of a contribution by MONUC to the development of the capacity of FARDC.

102. During these discussions, it was emphasized that the concern of the United Nations was to ensure that the drawdown of the MONUC force was conducted in a prudent manner which would safeguard the gains made to date, help to build upon and consolidate that progress, and enable national rule of law and security institutions to develop the capacity to take over the current role of MONUC.

including with regard to protection of civilians, enabling humanitarian access and preventing the creation of a potentially destabilizing security vacuum. President Kabila agreed to designate a team of senior Government officials to further discuss, with a team from the technical assessment mission and MONUC, the two identified outstanding issues and chart the way forward. Those discussions concluded on 9 March.

103. The two teams reconfirmed the Government's agreement to the proposal of the technical assessment mission that the drawdown of the MONUC force would be conducted in several successive phases. With regard to the first phase, MONUC will completely withdraw its troops from FARDC Defence Zones 1 and 2 by the end of June 2010. FARDC and the National Police will thus assume full responsibility for security and law and order in the seven provinces covered by those zones, consistent with the President's vision regarding the empowerment of national institutions. The role of the MONUC force will be limited to FARDC Defence Zone 3 (covering the two Kivus, as well as Orientale and Maniema Provinces), where military operations against FDLR and LRA are ongoing, while it will also keep a small military capability of up to a battalion in Kinshasa to secure United Nations personnel and assets. The battalion in Kinshasa and the reserve force based in the eastern provinces will have the capability to rapidly deploy to other provinces to protect United Nations personnel and assets, in extremis, or if requested by the Government to support FARDC.

104. As a result of these arrangements, a total of up to 2,000 MONUC troops would withdraw from the Democratic Republic of the Congo by the end of June 2010. MONUC would make arrangements for some of the departing units of its force to participate in the celebration of the fiftieth anniversary of the independence of the Democratic Republic of the Congo, as requested by the Government, in recognition of the role played by the United Nations peacekeepers in helping to restore peace and preserve the territorial integrity and independence of the country over the past five decades.

105. Following the first phase, there would be periodic joint reviews of the drawdown process, every six months. A joint coordination mechanism will also be established as part of the review process. The first joint review will be conducted in September 2010. It will evaluate the first phase and discuss the modalities of the second phase, which could be implemented by December 2010, depending on the situation on the ground. The second joint evaluation will be conducted in March 2011, following which the modalities of implementation of the successive phases would be jointly decided.

106. Regarding the date of 30 June 2011 date for the final withdrawal of the force, which had been initially mentioned by the President, the Government team advised that the Government had decided to be more flexible and shift that date to 30 August 2011. The United Nations team took note of the Government's position regarding the final withdrawal date and undertook to bring it to my attention.

107. The two teams identified urgent tasks to be accomplished in order to reinforce the capacity of national institutions, with a view to helping to accelerate the pace of the withdrawal. These tasks include (a) successful completion of the ongoing military operations against FDLR and LRA as well as the residual Congolese armed groups in the Kivus and Orientale Province; (b) the deployment of FARDC battalions adequately trained and equipped by bilateral partners to progressively

take over the MONUC security role, and (c) establishment of State authority, through the deployment of police, territorial administration, and rule of law institutions, in areas freed from armed groups, within the context of the Government's Stabilization and Reconstruction Plan and the International Security and Stabilization Support Strategy. The Government stressed that these urgent tasks should not serve as preconditions, but rather accelerators that should help to spur the drawdown process.

108. On the role of MONUC in security sector reform, the Government team reiterated the position that the training and equipping of FARDC will continue through bilateral arrangements. However, in order to continue its partnership with the Mission, the Government requested that MONUC undertake the following specific tasks, which it characterized as priorities: (a) training 20 police battalions and providing the necessary equipment for their deployment; (b) equipping three military police battalions who will be trained by Congolese trainers; (c) supporting the operational military tribunals by providing them with transport and communications equipment, and reinforcing the capacity of their administration; (d) reinforcing the capacity of public administration, including by providing modes of transportation; and (e) continuing the use of the MONUC civil engineering units to support the restoration of State authority through the opening of roads in areas in the east that are difficult to reach, particularly in Orientale Province.

V. Financial implications

109. By its resolution 63/291 of 30 June 2009, the General Assembly appropriated the amount of $1,346,584,600 for the maintenance of MONUC for the period from 1 July 2009 to 30 June 2010. The proposed budget for MONUC for the period from 1 July 2010 to 30 June 2011 has been submitted to the General Assembly for its consideration at the second part of its resumed sixty-fourth session. Pending the intended consideration by the Security Council of the assessment and adjustment of the Mission's mandate indicated in paragraph 1 of its resolution 1906 (2009), the proposed budget for 2010/11 is based on the deployment of 760 military observers, 19,815 military contingent personnel and 1,441 police personnel (including 1,050 personnel in formed units).

110. As at 28 February 2010, unpaid assessed contributions to the Special Account for MONUC amounted to $663.4 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $3,782.7 million.

111. As at 22 March 2010, amounts owed to troop and formed police unit contributors to MONUC totalled $109.3 million. Reimbursement of troop- and contingent-owned equipment costs has been made for the periods up to 30 September 2009 and 31 March 2008, respectively, in accordance with the quarterly payment schedule.

VI. Observations and recommendations

112. The Democratic Republic of the Congo has made notable progress, considering the formidable challenges it has overcome during the past 15 years. The

country has come a long way, emerging from what was widely described as "Africa's First World War", which involved nine foreign armies and numerous domestic and foreign armed groups fighting on its soil, and ending the balkanization that threatened its very existence; it has successfully managed a delicate transition period, and conducted free, fair and transparent elections that installed a legitimate Government. Today, most of the country is conflict free, relations with neighbours have been normalized and reconstruction efforts are gathering pace.

113. The sustained improvement in the security situation in 8 of the country's 11 provinces provides a sound basis for devising a responsible exit strategy for the MONUC peacekeeping force. In this regard, I agree with the assessment of the Government and the technical assessment mission that the level of security and stability attained in the conflict-free provinces permits the force to withdraw from those areas without creating an unmanageable risk of renewed instability. Consistent with the principles set out by the Government, the complete withdrawal of the MONUC force from the eight provinces will ensure that national institutions formally assume full responsibility for independently maintaining law and order, and the necessary security arrangements there, without the presence of the MONUC force. Over the past two years, the MONUC military presence in those provinces had already been significantly reduced, in keeping with the Security Council's request to concentrate the Mission's activities in the conflict-affected provinces in the east.

114. I fully respect the Government's vision regarding the full exercise of its sovereignty and the need to empower national institutions and build their capacity to assume responsibility for the tasks that MONUC is currently performing. The complete withdrawal of the MONUC force from FARDC Defence Zones 1 and 2 is in recognition not only of the new realities on the ground but also of the vision set out by the Government. In this regard, however, a responsible exit strategy for the military component of the Mission must be anchored on building sustainable capacities for the rule of law and security institutions of the Democratic Republic of the Congo, in particular to consolidate the full exercise of the country's sovereignty. The Government has identified the development of the capacities of those institutions as a priority area for assistance from MONUC and bilateral partners. This will require concerted and harmonized efforts by all international partners involved in this effort.

115. As the recent events in Dongo, Equateur Province, and other disturbances demonstrated, the situation in the eight provinces is still susceptible to armed violence. At the same time, the Dongo events also confirmed the ability of the Government to independently deploy FARDC and National Police personnel in the event of a security crisis in FARDC Defence Zones 1 and 2. However, contingency support would still be available from MONUC. The surge military capacities approved by the Security Council in its resolution 1843 (2008) have provided a reserve force and special forces that enable the Mission, if requested by the Government, to redeploy rapidly to these areas to support FARDC should the need arise.

116. In addition, as requested by the Government, the focus of international assistance in the provinces that have enjoyed sustained stability should now be on peace consolidation, protection of human rights, reconstruction and making sustainable development viable. The United Nations system will continue to

contribute to these activities in support of the Government's plans and priorities, including supporting the Government's efforts to protect the human rights of its population, deliver tangible peace dividends and improve the quality of life for the people in those areas.

117. The challenges emanating from the remaining problems in the Kivus and Orientale Province and the risk of renewed instability in that region should not be underestimated. The potential triggers of instability include the continuing critical humanitarian crisis and challenges related to the protection of civilians in those provinces; the continued presence of FDLR, LRA and residual Congolese armed groups that still have a military capacity to cause widespread insecurity for the civilian population and State institutions, as well as more broadly in the subregion; the absence of effective State authority in most areas in the three provinces; a security vacuum that may be created if national rule of law and security institutions are not deployed to strategic areas in a timely manner as MONUC draws down; the incomplete implementation of the Agreements of March 23; the possible resurgence of land and other intercommunal conflicts as internally displaced persons and refugees return; the cross-border movement of undocumented persons; and the continuing illegal exploitation of natural resources. The drawdown plans of MONUC must take account of these risks and include the necessary measures to manage them.

118. The presence of the MONUC force throughout the country, in particular its logistics capacity, has been critical in improving the protection of civilians and facilitating the work of the United Nations country team and the MONUC civilian components. Given the limited infrastructure and transportation services, the presence of the force is also critical in facilitating access by the Government and development, humanitarian and human rights actors to vast areas of the country. This too needs to be taken into account in developing the drawdown plans.

119. I commend the Government's commitment to hold national elections within the constitutionally mandated time frame. In this regard, I have noted President Kabila's determination to ensure that the elections contribute to the strengthening of democracy and safeguarding the legitimacy of the Government. On the basis of its mandate as set out in Security Council resolution 1797 (2008), MONUC will continue to support the preparations for the local elections while awaiting the envisaged indication of the level of support the Government intends to request in regard to the national elections. I will revert to the Security Council with recommendations should I receive a request from the Government in that regard. However, I continue to be concerned that the local elections could be further delayed despite the steps taken by the electoral authorities of the Democratic Republic of the Congo during the reporting period, and that this could affect the timing of the general elections.

120. Having considered the findings and proposals of the technical assessment mission, its assessment of the situation on the ground, and the views of the Government, I am convinced that it should be possible to devise a MONUC strategy and conduct a drawdown process in a manner that both advances the realization of the aspirations and vision of the Government and avoids the risk of reversals that could trigger renewed instability.

121. The objectives of the United Nations in the Democratic Republic of the Congo are to assist the Government in promoting and protecting human rights according to

international human rights obligations, to help to establish sustainable peace and stability in the country, to assist the Government in building national institutions that can protect the State and the population, and deliver services to the people; to help to safeguard the legitimacy of the national institutions that was attained with the holding, in 2006, of the first democratic elections since independence; and to support the Government's efforts to build a democratic country that is at peace with its neighbours and can realize its economic potential. The upcoming fiftieth anniversary of the country's independence is a special occasion that provides an opportunity for the Government and people of the Democratic Republic of the Congo to turn the page on a period of the country's history that has too often been disfigured by conflict and violence. Since the Democratic Republic of the Congo became independent the United Nations has remained committed to preserving the territorial integrity of the country, to ending violence and communal strife and to assisting the country in its economic and social development. The United Nations will continue to work with the Congolese authorities and with international partners to help the nation address the many difficult challenges that still face the country.

122. Taking into account all of the above, I recommend that the Security Council extend the deployment of MONUC for a further 12 months, in keeping with the Council's intent, expressed in paragraph 1 of its resolution 1906 (2009). I further recommend that the Council authorize the immediate implementation of the first phase of the drawdown of the force, which involves the withdrawal of up to 2,000 troops from Defence Zones 1 and 2, by 30 June 2010.

123. With regard to the subsequent phases of the drawdown process, I have taken note of the view of the Government of the Democratic Republic of the Congo that the drawdown process should be completed by 30 August 2011, at the latest. I have also noted the understanding reached with the Government to put in place a process that should drive the successive drawdown phases, beginning with the joint review scheduled for early September 2010, as well as the subsequent reviews and the urgent tasks that, if accomplished, would serve as both accelerators of the drawdown and safeguards that enable the Mission and the Government to manage the potential triggers of renewed instability I have identified above. I therefore recommend that the Security Council endorse the agreed process which should allow dialogue between the United Nations and the Government on the specific modalities and timelines for the successive drawdown phases to continue within the framework of the periodic joint reviews.

124. Should the Security Council approve the process indicated above, it would be essential for the Government and MONUC to jointly agree on specific benchmarks for measuring progress towards accomplishing the agreed urgent tasks. In this regard, it will be important for the Government and MONUC to define the specific end state, informed by a regional perspective, under which they would declare that the threats from FDLR, LRA and Congolese armed forces have been reduced to a level where they can be addressed by the Congolese authorities without MONUC support, as a law and order problem.

125. In order to avoid a heightened security risk as MONUC draws down from the Kivus and Orientale Province, the Government and the United Nations should agree on the necessary capacities and the strategic areas where the presence of trained FARDC troops is considered indispensable, as well as the arrangements for determining their readiness for deployment, which may require consultation with the

bilateral partners involved in their training. Their ability to protect civilians, including from sexual violence, and facilitate humanitarian access will be a critical factor in this regard. Concerning the establishment of State authority in areas freed from the armed groups in North and South Kivu, the Government and the international community have already agreed, within the framework of the Stabilization and Reconstruction Plan and the International Security and Stabilization Support Strategy, on the axes where the State administration should be established as well as on the respective responsibilities of the international partners and the Government.

126. The Government has identified its urgent priorities in the area of security sector reform and requested MONUC to provide assistance in the development of the capacities of specific security institutions identified in paragraph 108 of this report. Regarding the Government's request that MONUC train and equip 20 national police battalions, it is assessed that this task can be completed in three years, with the forming of three battalions in the first year, eight in the second year, and nine in the third year. The increase in the number of battalions trained each year would be premised on the enhancement of the current training capacities of the National Police, including facilities and trainers.

127. Each battalion would comprise 550 personnel, in accordance with the developed concepts of the National Police. Newly recruited candidates would be trained in three existing police training facilities that will require some refurbishing and equipping before the training can commence. Two additional training centres have been identified, but they will require extensive rehabilitation before they can be operational. It is proposed that each battalion would receive nine months of training, including six months of basic training and three months of complementary specialized training, including on public order management and specialized intervention that would enable the battalions to address civil disturbances and major security threats. This would be followed by a three-month mentoring programme.

128. In order to ensure the sustainability of this effort, the training could be provided as part of a package that includes the provision of basic supplies, personnel protection gear, non-lethal weapons, vehicles and communications equipment. In addition, provision for garrisoning of the battalions should be considered. It will be essential that a clear and professional command and control structure is established for the management of the battalions. A viable system for the payment of salaries will also need to be put in place.

129. In the light of the above, I recommend that MONUC contribute in the next mandate period to the training and development of three battalions, including with the light refurbishment of the three training facilities, provision of basic and specialized training, provision of some basic supplies, personnel protection gear, non-lethal weapons, vehicles and communications equipment, and building of garrisons.

130. A total of 75 MONUC police trainers will be required to carry out this task in the first year, 25 trainers for each of the three battalions envisaged. While the required expertise is not currently available in MONUC, the deployment of the trainers can be accommodated within the Mission's authorized police strength, who could be gradually deployed through the rotation of personnel. These requirements will also entail significant additional support tasks for MONUC, including with regard to procurement and provision of the required supplies and equipment, and rehabilitation and construction of facilities. A full and thorough analysis of the

support implications will be undertaken and reflected in the next request for resources submitted to the General Assembly.

131. As for the Government's request for support to the military courts, including through provision of equipment, MONUC will establish United Nations prosecution support cells to assist FARDC military justice authorities to combat grave human rights violations including sexual violence. The cells will provide an advisory and training capacity, but will not participate directly in the investigation of alleged offences. Each cell would comprise a multidisciplinary team of United Nations military police, prosecutors, police and civilian justice advisers. The cells would also provide logistical support to the authorities, including with regard to transportation and communications. The cells could also provide assistance, as required, to civilian judicial authorities.

132. This effort, in conjunction with the development and implementation of a multi-year joint justice programme for the Democratic Republic of the Congo, in support of civilian and military policing, judicial and correctional institutions based on priorities identified by national authorities, would assist in reinforcing the capacities of military justice institutions. It is assessed that the military justice institutions will require vehicles, communications and other equipment. It is recommended that MONUC provide some of these requirements and work with donors to mobilize the remaining required resources.

133. I also propose that MONUC and the Ministry of Defence collaborate to develop a package for the training and equipping of three military police battalions, an essential link in the military penal justice chain. Emphasis will be placed on ensuring sustainability through the provision of adequate training, basic supplies and non-lethal equipment, to ensure that these battalions are fully operational with the aim of improving discipline in FARDC. MONUC will work in the next mandate period with the Ministry of Defence to determine the nature of the training and equipment required for the battalions and will work with international partners to determine how the required resources can be met.

134. With regard to the request to provide a vehicle for each of the country's 145 territorial administrators, I would recommend that the United Nations country team and other international partners consider meeting this need in the context of the Stabilization and Reconstruction Plan, the International Security and Stabilization Support Strategy and the peace consolidation programme for the western provinces. For its part, as requested by the Government, MONUC will continue to employ its engineering and mine action assets to support the opening of critical routes to inaccessible but strategic areas so as to facilitate the presence of State authority in those areas and access by national rule of law and security institutions, as well as humanitarian and development partners, especially in Orientale Province.

135. At the same time, it will be important to continue to better harmonize international security sector reform initiatives. MONUC stands ready to continue efforts in this regard subject to the consent of the Government, and remains positioned to support national authorities in undertaking a number of focused security sector reform initiatives as described in paragraph 55.

136. On the basis of the tasks that the Security Council will approve in the new mandate resolution, and further to the benchmarks outlined in my report of 14 November 2007 (S/2007/671), MONUC and the United Nations country team

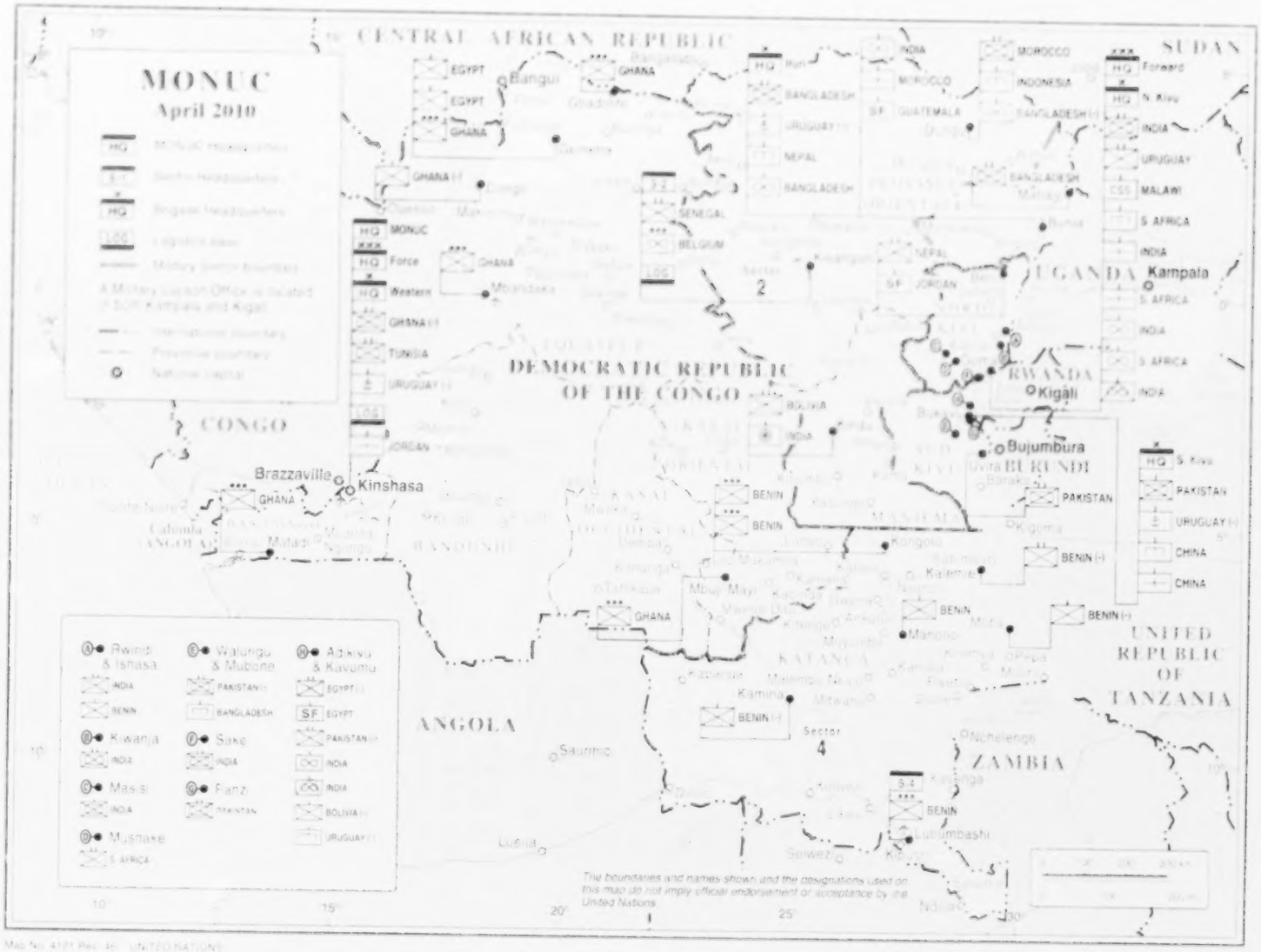
will work with the Government to identify specific benchmarks to measure progress towards implementation of the Mission's reconfigured mandate, taking into account the new realities on the ground.

137. I recommend the continued deployment of the additional capabilities approved by the Security Council under its resolution 1843 (2008). The enhanced operational flexibility provided by the additional air assets and the newly deployed reserve force which the Mission previously lacked, as well as the special forces, will be critical as MONUC forces draw down to enable the Mission to continue to protect civilians and respond to contingencies, such as the request of FARDC for support during the events in Dongo, Equateur Province. The additional capabilities are also needed to successfully support FARDC in completing operations against FDLR and LRA, including carrying out more targeted actions. In addition, the Government has specifically requested that MONUC engineer units, one of which has been deployed as part of the additional capabilities, continue to support the extension of State authority in the east, particularly along key axes identified in the Government's Stabilization and Reconstruction Plan.

138. Regarding the reconfiguration of the MONUC mandate, I recommend that the protection of civilians remain at the top of the Mission's priorities. In addition, the agreed urgent tasks identified in paragraph 107 should also form part of the key priorities under the MONUC mandate in the coming 12 months. Following further discussions between the Government and MONUC, I will, in my next report, set out agreed benchmarks for each of those urgent tasks. In the eight provinces from which the MONUC force will withdraw, the civilian components of MONUC will continue to work with the United Nations country team to support peace consolidation and stabilization efforts. The protection of civilians through the monitoring and promotion of human rights and building the capacity of security and rule of law institutions will also continue to be accorded priority by the United Nations system in these areas. The Mission will be restructured as outlined in paragraph 97, in order to ensure the effective and efficient implementation of the reconfigured mandate.

139. I will send an inter-agency mission to assess the implementation of the MONUC conditionality policy, as requested by the Security Council, and will, in my next report, include the findings of that assessment including with regard to the establishment of an appropriate mechanism to regularly assess the implementation of the policy.

140. Finally, I would like to express my sincere gratitude and appreciation to all MONUC civilian, military and police personnel, who, under the leadership of my Special Representative, Alan Doss, continued to show determination and selfless dedication under very difficult conditions in support of the Congolese people during another critical period in their history. I would also like to thank the United Nations country team and the humanitarian community, who continue to toil to save lives under difficult conditions. My continuing appreciation goes to countries contributing troops and police to MONUC and to their uniformed personnel, as well as to donor countries and multilateral and non-governmental organizations that are providing much-needed support in the Democratic Republic of the Congo.



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